

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 20-5029

September Term, 2020

1:19-cv-01340-ABJ

Filed On: October 13, 2020

Stephen Durr,

Appellant

v.

Department of the Army and Office of the
Attorney General,

Appellees

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BEFORE: Henderson, Tatel, and Katsas, Circuit Judges

J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and on the brief and the supplement thereto filed by appellant. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). Upon consideration of the foregoing, the petition for writ of mandamus, the motion for summary reversal, and the supplements thereto, it is

ORDERED AND ADJUDGED that the petition for writ of mandamus and the motion for summary reversal be denied, and the district court's orders, filed January 30, 2020, and July 29, 2020, be affirmed. The district court correctly dismissed appellant's complaint for lack of subject matter jurisdiction because under the Tucker Act, the Court of Federal Claims has exclusive jurisdiction over a claim against the United States for a monetary award exceeding \$10,000. See Palacios v. Spencer, 906 F.3d 124, 126-27 (D.C. Cir. 2018). Additionally, appellant has not shown that the district court abused its discretion in denying appellant's motion for reconsideration. See Peyton v. DiMario, 287 F.3d 1121, 1125 (D.C. Cir. 2002); Smalls v. United States, 471 F.3d 186, 191 (D.C. Cir. 2006). Finally, to the extent appellant seeks mandamus relief from this court, he has not shown that he has a clear and indisputable right to such relief. See In re Khadr, 823 F.3d 92, 97 (D.C. Cir. 2016).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution

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of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk